

**Information Governance Team**

Email: [foi@york.ac.uk](mailto:foi@york.ac.uk)  
<http://www.york.ac.uk/records-management/foi>

Dear Dhylan Patel,

**Freedom of Information Request Ref: F21\_411**

Thank you for your request for information from the University of York. Please see our response below.

Please note for requests 1 and 2 below, that the University declines to release information relating to the 2020/1 application cycle (for entry to the 2021/2 academic year) as the application cycle is still active and the University considers the information to be exempt from disclosure under section 43 (2) of the Freedom of Information Act 2000. Section 43 (2) states that, 'information is exempt information if its disclosure under the Act would, or would be likely to prejudice the commercial interests of any person'.

The exemption at 43(2) is claimed because the untimely release of live application cycle data into the public domain would be likely to influence the behaviour of competitor institutions to the detriment of free and open competition and prejudice the University's commercial position by providing an understanding of our offer strategies in a highly competitive sector and so harm the ability of universities to compete fairly and openly.

Universities operate in a global marketplace and compete for students, research funding and accreditation. Competition is heightened as it also takes place in a harsher economic climate and, in England and Wales, a particular funding environment. Recent analysis shows that there is a high degree of applications in common between institutions (applicants can apply for multiple institutions simultaneously). Institution-level data for this and other institutions would give some insight to competing institutions on their recruitment and levels of success in their respective recruitment strategies. This would give a competitor an unfair advantage and allow them to alter their "offer making" and recruitment behaviour. The sensitivity of the data in question here is heightened further, moreover, in the context of more granular subject/course- level data for the active cycle. These commercial sensitivities and the nature and likelihood of prejudice are reflected in, and further protected by, competition law in the UK and European Community and competition authorities, which prohibit the exchange of anticompetitive information. Accordingly, universities and companies must be extremely careful when considering the release of commercially and strategically sensitive information. While the Freedom of Information Act does not define commercial interests, competition legislation recognises that the exchange or exposure of commercially sensitive information, directly or indirectly, could allow another university to deduce or infer a commercial strategy or could result in non-coordinated anti-competitive effects. Disclosure could thus be used to support anti-competitive behaviour between competing suppliers of courses or give an unfair advantage to another supplier.

An indirect exchange with the University's competitors of information (a) which is not in the public domain and (b) concerns the parameters of competition (in terms of its offering and capacity) and (c) reduce or remove uncertainties inherent in the process of competition, would make it easier for current or potential competitors to predict each other's behaviour and adjust their own behaviours and commercial strategies accordingly, to the disadvantage of others and the detriment of free and fair competition.

The commercial interests of HYMS would be further undermined if individuals gain an advantage over others in the selection process through up-to-date knowledge of the most recent offer strategies. HYMS reputation is reliant on recruiting the most qualified applicants possible, via a fair and equitable recruitment process. Further, placing information in the public domain prematurely could lead to misinterpretation and misrepresentation of the data possibly dissuading potential applicants, and/or leading to incorrect assumptions about the nature of HYMS candidates.

Commercial sensitivities are often time sensitive and following the close of the current admissions cycle, more information will be available.

As section 43(2) is a qualified exemption, the University has performed a public interest test and has, on balance, concluded that release of this data would prejudice the commercial interests of the University. Please see the public interest test at the end of this letter.

**Further to my previous request, I had a few other queries regarding the admission of graduate students to the A100 course at HYMS...**

**1.) What was the average pre-interview score for graduate students THAT were interviewed for the A100 course for 2020 and 2021 entry? IF you do not have the average pre-interview score for graduates, please give the average pre-interview score for the application cohort that were invited to interview.**

Information not held for the average pre-interview score for graduates.

Information held for the average pre-interview score for 2020/1 application cohort

62.9

**2.) What was the average post-interview score for graduate students interviewed for the A100 course for 2020 and 2021 entry that were subsequently given offers? IF you do not have the average post-interview score for graduates given final offers, please give the average post-interview score for the application cohort that were given final offers**

Information held for the average score for graduates for 2020/1 application cohort

68.04

**3.) At the point of receipt of applications, are graduates applications pooled separately to school leaver applications or is everyone 'piled' together?**

Graduate applications are screened according to the essential entry requirements for graduates, then grouped with all other applications for scoring and ranking for interview selection.

**4.) How are graduate applications scored pre-interview? Is this by the same process as school leaver applications i.e. scored on GCSEs, SJT Band, UCAT Decile, and Contextual Points? If not, please outline how graduate applications are assessed pre-interview. Please outline the pre-interview scoring process in as much detail as possible.**

Information held. Full details of the HYMS [selection procedure](#) can be found on the website.

All applicants are scored according to the same matrix.

**5.) If graduate applicants are also scored on their GCSEs, how many GCSEs are we scored on and which subjects are included in this?**

Information held. All applicants to the A100 programme are scored on their top 6 GCSEs. There is no subject restriction on these GCSEs.

**6.) Post-interview, what factors are considered for graduate applicants when deciding whether to give final offers?**

Information held. Full details of the HYMS [selection procedure](#) can be found on the website.

**Public Interest Test**

As section 43 (2) is a qualified exemption, the University has performed a public interest test and has, on balance, concluded that release of the data would prejudice the commercial interests of the University.

The University recognises:

- There is a presumption of a general public interest in disclosure;
- There is a strong public interest in accountability and the proper scrutiny of the University's actions and decisions as a public authority;
- Public confidence in the proper administration of University business can be served by increasing the transparency of the processes in question.

The University recognises a number of factors may weigh against disclosing the withheld information. There is a public interest in:

- promoting market and consumer transparency while protecting public interests in lawful and open competition;
- the ability of public sector organisations to compete for resources fairly, without undue advantage or prejudice;

- avoiding the risk of applicants (and institutions) acting on 'noise' or subsequent reinterpretation once in the public domain, which could restrict choice and act to the detriment of applicants and institutions. Placing information into the public domain prematurely could cause institutions to take competitive stances which might disadvantage a particular applicant or group of applicants.
- providing consistently presented and timed data, from across the sector (for instance through information resources made available by the sector, such as the [UCAS Course Search](#) and the [KIS](#) information, which provide more useful information to applicants when considering what courses and providers to apply to);
- having a fair and orderly application process, avoiding detrimental outcomes for applicants, HE providers and students;
- not prejudicing the financial or strategic position of the University (or any organisation). The University operates in a global market and faces growing competition from a range of public, private and online providers of tertiary education and targeted course offerings;
- universities securing, fairly, best value for themselves, their students and stakeholders;
- demonstrating respect for commercial and short-term sensitivities. The consistent release of complete and stable data at an appropriate point, in line with other sector bodies and standard reporting requirements not only avoids unfair competition but prevents applicants and others using data as a proxy for course demand, quality and suitability.

In accordance with the provisions of section 17(4) of the FoIA, this letter acts as a Refusal Notice in respect of the information withheld under section 43(2) above.

If you are dissatisfied with the handling of your request, [you have the right to ask for an internal review](#). Your internal review request should be submitted in writing by **26 November 2021** to [foi@york.ac.uk](mailto:foi@york.ac.uk), detailing your grounds for appeal/complaint.

If you are not content with the outcome of the internal review, you have the right to apply directly to [the Information Commissioner](#) for a decision.

I hope this information is useful.

Yours sincerely,

Information Governance Team